

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

NOVEMBER 25, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)  
APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 233231 through and including #233637 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
64-14	Plat hanging file cabinet Recorder	\$ 677.01
65-14	Arcair Slice Utility Pack Highway	\$ 832.00
66-14	(2) 100 watt power amp. (2) 200 digital hand held radios (1) 700H digital mobile radio Communications/Sheriff	\$4,595.00
67-14	Rokon Trailbreaker Weed/Mosquito	\$7,950.00
68-14	Laerdal SimPad System Ambulance	\$3,288.84
69-14	End tidal CO2 monitoring modules Cannulas, batteries, chargers (trades)	\$26,673.75

70-14	Server 2012 License Client Access Licenses(30) Hp Elite 850 Laptop (2) IT/Library	\$3,693.58
71-14	Security System/Buckhorn Information Center Travel Council	\$6,000.00
72-14	Mammoth Skull & Tusks Museum of the San Rafael	\$1,700.00

Dispositions were presented for the following:

580-7235, copier, 210-7821, 210,7822, 210-7823, lightbars, 216-7659, 216-7660, 216-7779, 216-7780, 216-7789, 216-7790, hydra packs, 210-5048, reversible chalkboard, 210-0005, microsoft office 97, 255-8552, faxphone, 210-7221, clip-on organizer, 210-0035, video capture software, 210-0033, adobe premiere software, 210-7868, 210-7869, 210-7870, hands free sirens.215-0008, E-911 Y2K upgrade software.

(2)

NOTIFICATION. WAYDE NIELSEN SELECTED STEVE ALLRED AS A PART TIME EMPLOYEE WORKING 19 3/4 HOURS PER WEEK WITH NO BENEFITS. WAGE GRADE 16.

(3)

NOTIFICATION. CAROLE LARSEN SELECTED DANIELLE FARLEY AS A PART TIME EMPLOYEE WORKING 10 HOURS PER WEEK WITH NO BENEFITS. WAGE \$8.00 PER HOUR.

(4)

APPROVAL TO GIVE DEVIN WILLSON, MADISON ALLINSON, ZAC FAUVER, TJ LACOCK, TRAVIS FEHLBERG, KAITLYN SAILING, VALERIE CHYNOWETH, AND JAXON WINN A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF THEIR 6 MONTH ORIENTATION PERIOD. EFFECTIVE 12-8-14.

(5)

APPROVAL OF BUSINESS LICENSE FOR CW CUSTOM ENGRAVING.

(6)

APPROVAL OF COMMISSION MEETING MINUTES DATED OCTOBER 28, 2014 AND  
MINUTES OF THE CANVASS OF ELECTION FOR THE NOVEMBER 4, 2014 GENERAL  
ELECTION..

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner JR Nelson and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)

EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Employee of the Month to Janet Damon. Janet is a great asset to the Emery County Recorder's office and the citizens of Emery County. She came to work for the office seven years ago and since day one has shown her dedication to doing a good job in all he duties assigned to her.

Her helpfulness to the public is appreciated by all those who come into the office. She goes above and beyond to make sure the public gets the information they need. Many compliments have been made about how accommodating she is with the public. One gentleman actually brought a pizza to the office because Janet was so helpful to him. It is this kind of attribute that is so important when working with the public. Janet appreciated her job and being able to help the public.

Janet's job duties also entail a variety of office duties dealing with the recording of the many different types of documents which pass through the Recorder's office each day. She is very conscientious of the importance of accuracy in dealing with the documents.

In the upcoming months Janet will be training the newly elected Recorder, Connie Jensen, and a new employee who will be replacing Sharon Boyle. This will be a challenge for one person to train two new employees at the same time but Janet will be up to the job ahead of her. The Recorder's office will be in good hands as these new changes take place.

Janet received a certificate of appreciation and Emery County Chamber Bucks.

Motion to leave the regular meeting and move into a Public Hearing was made by Commissioner JR Nelson, seconded by Commissioner Ethan Migliori and the motion passed. At the conclusion of the public hearing the Commissioners will return to the regular meeting agenda.

(3)

10:00 A.M.- PUBLIC HEARING- TO RECEIVE PUBLIC COMMENT ON PROPOSED CHANGES TO THE EMERY COUNTY ZONING ORDINANCE SECTIONS 6-17-10 ADVERTISING SIGNS AND BILLBOARDS, TABLE 9-11, 11-2-3 CELL TOWERS AND FACILITIES, AND 11-2-4 ALTERNATIVE ENERGY SOURCES- SOLAR SYSTEMS.

Commissioner Horrocks turned the meeting over to Mack Huntington, Chairman of the Emery County Planning Commission. Mack stated that the Emery County Commissioners are charged with the care of the Emery County General Plan. It is the duty of the Emery County Planning Commission to recommend amendments and changes to the document as needed. This past year the Planning Commission has been working on the Emery County Zoning Ordinance with the task of amending the document to address things that may be of importance in the future. The purpose of this public hearing is to receive public comment on proposed changes to the zoning ordinance with respect to advertising signs and billboards, cell phone towers and facilities and alternative energy sources-solar systems. This ordinance deals only with land use on the unincorporated portions of the county. It is not related to land use on state roads or municipalities. Amended portions of the Zoning Ordinance were indicated in red type within the document and have been available for the public to view at the Clerk/Auditor's office for thirty days prior to this public hearing.

There were no comments from the public.

Commissioner JR Nelson made a motion to return to the regular meeting agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE EMERY COUNTY ZONING ORDINANCE SECTIONS 6-17-10 ADVERTISING AND BILLBOARDS, TABLE 9-11, 11-2-3 CELL TOWERS AND FACILITIES, AND 11-2-4 ALTERNATIVE ENERGY SOURCES- SOLAR SYSTEMS.

Commissioner Ethan Migliori made a motion to adopt the amendments to the Emery County Zoning Ordinance Sections 6-17-10 Advertising and billboards, Table 9-11, 11-2-3 Cell Towers

and Facilities, and 11-2-4 Alternative Energy Sources- Solar Systems as recommended by the Emery County Planning Commission. The motion was seconded by JR Nelson. The motion passed.

(5)

TERRY LOFTHOUSE, PRESENTATION AND DISCUSSION ON WAYS TO ENHANCE TOURISM IN EMERY COUNTY.

Terry Lofthouse, Castle Dale citizen and business owner of Old Utah Trails Company came before the Board of Commissioners to make a presentation and discuss ways to enhance tourism in Emery County. Mr. Lofthouse has a business that offers tour packages to encourage people to come to Emery County and experience what this county has to offer. He offers tours of the area for a 1 day to a 9 day tour on the San Rafael. At this time the tours do not include National Parks in an effort to keep people in the county. He offers lodging, meals, guided tours, transportation fees to any park (such as golfing), pick-up from the airport and transport to Emery County and returned back to the airport. He commented that there are several other businesses in the area that offer tours on the San Rafael such as LaMar Guymon's bicycle tours on the Swell. There are businesses that rent ATV's, there are businesses that offer river rafting tours on the Green River just to mention a few. Mr. Lofthouse indicated that he applied with the BLM for a permit in February of 2013. It is coming up on two years now and he still does not have a permit to operate his business on BLM land. Dixie Thompson, Castle Dale told the Commissioners that getting a permit with the BLM is something that the Commissioners help with. These types of businesses in Emery County are good for tourism in the county. Mr. Lofthouse indicated that the reason he is here today is to petition the Commissioners to help with obtaining the necessary BLM permit to operate his business. Also, he asked that the Commissioners put together a council of key people from tourism to assist those who are seeking to offer tourism opportunities in the county.

(6)

DEB DULL, ROCKY MOUNTAIN POWER- CONSIDERATION AND APPROVAL OF RESOLUTION GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO ROCKY MOUNTAIN POWER.

Deb Dull, Rocky Mountain Power came before the Board of Commissioners to request approval for a proposed resolution granting an electric utility franchise and general utility easement to Rocky Mountain Power. Attorney David Blackwell indicated that the term of the easement was changed to twenty-five years and was previously agreed upon by both parties. Commissioner JR Nelson made a motion to approve Resolution 11-15-14 granting an electric utility franchise and general utility easement to Rocky Mountain Power. The motion was seconded by Commissioner

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Ethan Migliori. The motion passed.

(7)

COAL STUDY PRESENTATION

Keith Heaton, Director of Rural Planning and Community Development along with Michael Hansen, Nick Baker and Shannon Elsworth came before the Board of Commissioners to make a presentation and report by the Rural Planning Group on the future of Coal in Utah. Michael Hansen presented an extensive report on the future of Coal in Utah.

(8)

RATIFY FY2014 HOMELAND SECURITY GRANT PROGRAM ARTICLES OF AGREEMENT AND GRANT AWARD.

Commissioner Horrocks indicated that the FY2014 Homeland Security Grant Program Articles of Agreement and Grant Award was previously signed due to time constraints and the length of time between Commission Meetings. Commissioner Ethan Migliori made a motion to ratify the signing of FY2014 Homeland Security Grant Program Articles of Agreement and Grant Award. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF LEASE BETWEEN EMERY COUNTY AND EC CARE AND REHABILITATION FOR OPERATION OF THE NURSING HOME.

Ross Huntington, Chairman of the Emery County Care and Rehabilitation Board came before the Board of Commissioners to request approval of a lease agreement between Emery County and ECCR for the operation of the nursing home. Mr. Huntington indicated that the Board has made a number of improvements to the nursing home. They have made efforts to be less institutionally structured like a hospital and moved to be a more individually based facility. There has been a change in attitude for the way they care for your loved ones. Commissioner Migliori stated that a year ago the facility had an audit in which they got hammered for a lack of attention to detail. This latest audit was much different. The nursing home received praises for their changes. Mr. Huntington indicated that this lease agreement is for the year 2014 and they will have to renew the lease agreement in 2015. Commissioner Ethan Migliori made a motion to approve of a Lease Agreement between Emery County and Emery County Care and Rehabilitation for operation of the nursing home. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF MODIFICATION NO.1 AND EXTENSION FOR HUNTINGTON STATE PARKS TRAIL SYSTEM- PHASE II (STATE CONTRACT #131770)

Commissioner Migliori explained that modification #1 and extension for Huntington State Parks Trail System- Phase II is to re-allocate funds that were allocated for paving the trail. The funds will now go towards creating a parking lot and providing a sixty foot trail extension. The contract has been extended to August 31, 2015. Commissioner Ethan Migliori made a motion to approve of Modification No. # 1 and Extension for Huntington State Parks Trail System- Phase II (contract #131770). The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND HUNTINGTON CITY FOR PAYMENT OF HUNTINGTON STATE PARK TRAIL SYSTEM PHASE II.

Commissioner Ethan Migliori made a motion to table this matter until the December 16<sup>th</sup> Commission Meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE STATE OF UTAH DIVISION OF STATE PARKS AND RECREATION AND EMERY COUNTY FOR THE CREATION OF A PROMOTIONAL VIDEO OF THE STATE PARKS LOCATED IN EMERY COUNTY.

Commissioner Migliori explained that the State of Utah Division of State Parks and Recreation is interested in boosting the number of visitors to state parks. The division has set aside a small amount of funding to do some promotional activities with local media, and would like to partner with the county in making this happen. They have had discussions with Chad Booth, producer of At Your Leisure (AYL)/The County Seat to create promotional videos for each of the state parks. They anticipate this costing \$1210.00 for each park. They are prepared to grant funding to the county for each state park in a 75/25 split (75% Division, 25% county). The division will pay \$900.00 per state park. AYL will in turn invoice the counties \$1210.00 per park. The county will pay \$310.00 per state park. The funds will come from the Travel Council. Commissioner Ethan Migliori made a motion to approve of Cooperative Agreement between the State of Utah Division of State parks and Recreation and Emery County for the creation of a promotional video of the state parks located in Emery County. The motion was seconded by Commissioner JR

Nelson. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF UTAH STATE PARKS PROMOTION  
AGREEMENT BETWEEN EMERY COUNTY AND CHADWICK BOOTH & CO. (AYL)

Commissioner Ethan Migliori made a motion to approve of Utah State Parks promotion agreement between Emery County and Chadwick Booth & Co. (AYL). The motion was seconded by Commissioner JR Nelson . The motion passed.

(14)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT  
CORRECTING MARKET VALUE ON PARCEL NUMBER 01-0112-0005/BILL Z. JONES.

Senior Deputy Assessor Carol Riddle presented a Commission Tax Adjustment request correcting market value on parcel #1-112-5/Bill Z. Jones. The home has the wrong market value (\$6,082,010) in the Singer program. Value needs to be changed to true market value (\$154,746). The Assessor's Office had no idea how the value was changed. Since BOE is closed they need to change the amount of tax dollars collected. Previous tax dollars was \$46,848.21. New tax dollars is \$1,191.96. Commissioner JR Nelson made a motion to approve the Emery County Assessor's request to change the amount of tax collected for parcel # 1-112-5/Bill Z. Jones. The motion was seconded by Commissioner Ethan Migliori. The motion passed. (Total tax dollars difference is -\$45,656.25)

(15)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT  
CORRECTING MARKET VALUE ON PARCEL NUMBER 01-070C-0019/TURNQUIST  
COTTAGES, BUTCH WILCOX.

Senior Deputy Assessor Carol Riddle presented a Commission Tax Adjustment request for parcel # 1-70C-19/Turnquist Cottages. Turnquist is close to a 50% vacancy rate. Previous tax dollars was \$5,025.91. New tax dollars is \$3,075.43. Commissioner Ethan Migliori made a motion to approve the Commission adjustment request for Turnquist Cottages as presented. The motion was seconded by Commissioner JR Nelson. The motion passed. (Total tax dollars difference is -\$1,950.48)



(16)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT PRO-RATING TAX ON PARCELS #01-0013-0028 AND 01-0013-0029/EMERY WATER CONSERVANCY DISTRICT.

Senior Deputy Assessor Carol Riddle presented a Commission Tax Adjust request for parcel #1-13-28 & #1-13-29/Emery Water Conservancy District. The buildings went from privately owned to and exempt government entity. The buildings were privately owned from January through May. In May the buildings were deeded over to EWCCD. Jay Mark Humphrey, EWCCD explained that eventually there will be a building in the vacant spot where the buildings have now been torn down and the land cleared off. He new building will house EWCCD, CVSSD and Castle Dale City Hall. Parcel #1-13-28 previous tax dollars was \$686.31, new tax dollars is \$285.95. Parcel #1-13-29 previous tax dollars was \$778.27, new tax dollars is \$324.25. After some discussion, Commissioner Ethan Migliori made a motion to abate the whole tax amount owing because it is a government entity. The motion was seconded by Commissioner JR Nelson. The motion passed. (Total tax dollars difference is -\$854.38)

(17)

CONSIDERATION AND APPROVAL OF COMMISSION TAX ADJUSTMENT ROBERT KILLPACK.

Senior Deputy Assessor Carol Riddle presented a Commission Tax Adjustment request for parcel #1-13B-38/Robert Killpack. This parcel needs to be put on Greenbelt as it has been being farmed for at least the last 2 years. Previous tax dollars was \$158.07, new tax dollars is \$4.52. Commissioner Ethan Migliori made a motion to approve a Commission Tax Adjustment for parcel #1-13B-38/Robert Killpack as requested. The motion was seconded by Commissioner JR Nelson. The motion passed.

(18)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LEGAL DEFENDER AGREEMENT WITH DAVID ALLRED.

Commissioner Migliori indicated that in the past Emery County has contracted with David Allred who has done a great job for the county. The Public Defender contract is up for renewal. The new contract for public defender is \$4,700.00 with Mr. Allred. The Public Defender Contract covers Drug Court, Juvenile Defense and Public Defense for District Court and Justice Court and Parental & Family Court. The commissioners received a proposal from another law firm, Oliver & Sitterud in the amount of \$4,250.00. Thomas Sitterud from Oliver & Sitterud explained that his firm would have the time to devote to the needs of Emery Count citizens in all aspects of the law. Mr. Allred handles criminal cases in Carbon County as well as Public

Defender in Emery County. Time is the resource his firm has to offer. Commissioner Horrocks reminded the Commissioners that this issue needs to be dealt with before the first of the year. McKette suggested that Oliver & Sitterud could be used as 3<sup>rd</sup> conflict on a case by case basis. Mark Tanner commented that as the Commission ponders this decision one of the elements to consider is the loyalty that Mr. Allred has shown over the course of these many years. This is his practice. He has no private practice. Public Defense is his work. It is his job. It is his business. For the last twenty years that is all he has done. Mrs. Allred does have a business on the side. David Allred's work has always been Public Defense. He stated that he felt that he has always done a tremendous job for the county. He deals very well with the clientele that are involved in the Public Defense contract. He stated that he felt that to change that merely because there is another very competent firm for \$500.00 a month less cost would be very unjust for Mr. Allred and short minded for the county. He strongly encouraged the Commission to take action now, recognizing loyalty, recognizing service, recognizing competency. Thomas Sitterud commented that the important thing for the Commissioners to look at is time. He indicated that their firm has the resources and time to put into this type of contract.

Commissioner Ethan Migliori made a motion to renew the Public Defender Contract with David Allred including involving Oliver & Sitterud in 3<sup>rd</sup> conflict cases. The motion was seconded by Commissioner JR Nelson. The motion passed.

(19)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LEGAL DEFENDER  
AGREEMENT (CONFLICTS) WITH MARK H. TANNER, P.C.

Commissioner Horrocks indicated that Mark Tanner speaks Spanish and is a valuable asset as legal defender in conflict cases. Mr. Thomas reminded the Commissioners that the court does provide court interpreters. He felt that the resource of time is still an important factor to be considered. Commissioner JR Nelson made a motion to approve a Legal Defender Agreement (Conflicts) with Mark H. Tanner, P.C. and involve Oliver & Sitterud in 3<sup>rd</sup> conflict cases as needed. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(20)

CONSIDERATION AND APPROVAL OF CONSULTING SERVICES CONTRACT  
BETWEEN AMERICAN PREPARATORY SCHOOLS, INC. AND EMERY COUNTY FOR  
SUPPORT TO COUNTY/PERSONNEL.

Commissioner Ethan Migliori made a motion to move this item to the December 16<sup>th</sup> Commission Meeting as requested by Attorney David Blackwell. The motion was seconded by Commissioner JR Nelson. The motion passed.

(21)

CONSIDERATION AND APPROVAL OF INTER-AGENCY COORDINATION AND SUB-RECIPIENT CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS.

Debbie Hatt, Executive Director of Southeastern Utah Association of Local Governments came before the Board of Commissioners to request approval of Inter-Agency Coordination and Sub-recipient Contract Agreement between Emery County and SEUALG FY 2014-2015.

Commissioner Horrocks commented that the money the county provides to the SEUALG for the Area Agency on Aging program is used to leverage additional funds from the state to provide for the programs in Emery County. They provide a great service to the Senior Citizens of this county. Commissioner JR Nelson made a motion to approve of Inter-Agency Coordination and Su-Recipient Contract Agreement between Emery County and SEUALG FY 2014-2015. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(22)

DISCUSSION AND POSSIBLE APPROVAL OF CLAIMS SUBMITTED FOR PAYMENT WITHOUT REQUISITIONS.

Commissioner JR Nelson made a motion to remove this item from the agenda as the issue has been resolved. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(23)

COMMISSION/ELECTED OFFICIALS REPORT.

*Commissioner Nelson*

Commissioner Nelson talked about efforts of Emery County citizens to provide input regarding the update the USDA Master Plan. He talked about disappointment at the recent CIB funding session where efforts to procure funds to build the EWCCD/CVSSD/CD City building were not met favorably. EC Fire Protection SSD did, however, receive the funds needed to procure new fire trucks.

*Commissioner Migliori*

Commissioner Migliori reported on attending Coal Symposiums where they discussed efforts to continue to diversify. They encouraged entities to work to approach things differently and not jump the gun. He reported on several projects in the county. During recent COG meetings the mayors have focused on economic development and working together to facilitate each others

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resources.

*Commissioner Horrocks*

Commissioner Horrocks talked about low income housing issues. He reported on UAC conference. He reported that the 7 County Coalition is now complete with 7 counties signed on to participate. He asked Tina Carter to report on Travel Council activity. Tina reported on advertising promotions using the new videos for bouldering and mountain biking in Emery County. Emery County is one of 5 pilot counties in the state used to look at infrastructure and what we have to offer in our county.

(24)

ADJOURNMENT

The meeting was adjourned.

ATTEST:\_\_\_\_\_ COMMISSIONER:\_\_\_\_\_